

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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AKF, INC.,

Plaintiff,

vs.

1:21-CV-188 (BKS/DJS)

AVANTGARDE SENIOR LIVING, et al,

Defendants.

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**ORDER OF DISMISSAL BY REASON OF SETTLEMENT**

The Court has been advised by counsel that this action has been settled, or is in the process of being settled (Dkt. No. 30). A review of the Court's docket indicates that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y. L.R. 68.2(a), it is hereby

ORDERED as follows:

- (1) The above-captioned case is hereby dismissed and discontinued in its entirety, without costs, and without prejudice to the right of any party to reopen this action until June 30, 2022, if the settlement is not consummated.
- (2) Any application to reopen this case must be filed by June 30, 2022. An application to reopen filed after the expiration of that period, unless it is extended by the Court prior to its expiration, may be summarily denied solely on the basis of untimeliness.
- (3) The Court will retain ancillary jurisdiction for the purpose of enforcing the settlement agreement.

(4) The dismissal of the above-captioned action shall become with prejudice on July 1, 2022, unless any party moves to reopen this case by June 30, 2022 upon a showing that the settlement was not consummated, or the Court extends the period prior to its expiration.

(5) The Clerk of the Court is respectfully directed to close this case and forward a copy of this Order to the parties pursuant to the Court's local rules.

Dated: July 13, 2021  
Syracuse, New York

Brenda K. Sannes  
Brenda K. Sannes  
U.S. District Judge